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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,731	08/04/2003	Robert Lee Craig	03026	5575
24386	7590	01/06/2004		
ROBERT W PITTS PO BOX 11483 WINSTON-SALEM, NC 27116-1483				
EXAMINER GRAY, DAVID M				
ART UNIT		PAPER NUMBER		
2851				

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,731

Applicant(s)

CRAIG, ROBERT LEE

Examiner

David M Gray

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8/4/03.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Objections

Claim 27 is objected to because of the following informalities: the claimed “the first position” is not defined. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kim et al. (5,565,936).

Kim et al. discloses a camera usable with film having a pre-exposed image or standard film with no pre-exposed image, see figures 7-10 and the description thereof.

Regarding claims 21 and 22, the claimed “shiftable partition” is met by mask 60. The claimed “first position” corresponds to having mask 60 removed from the camera. And the claimed “second position” corresponds to having the mask 60 inserted in the recess 62.

Regarding claims 23-27, the claimed “partition positionable” is met by mask 60.

Regarding claims 28 and 29, the claimed “lens” is met by lens 66. The claimed “film spool”, “cavity for receiving”, “means for advancing” and “means for rewinding” are shown in figure 10. The claimed “partition alignable” is met by mask 60. The claimed “first position” corresponds to having mask 60 removed from the camera. And the claimed “second position” corresponds to having the mask 60 inserted in the recess 62.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (5,565,936) in view of Ikeno (5,604,552).

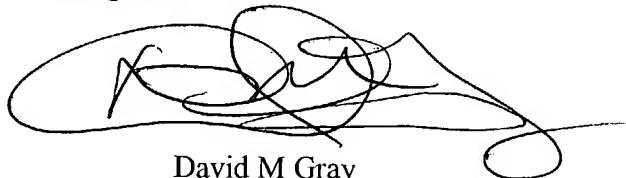
Kim et al. differs from the claimed invention in that the mask 60 of Kim et al. is not “shiftable after film is loaded in the camera and the camera is closed” as claimed.

Ikeno teaches a shiftable partition for masking an upper and lower edge of an exposure aperture after film is loaded in a camera and the camera is closed. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Kim et al. by providing only the lower portion of the Ikeno shiftable partition instead of the mask 60. One would have been motivated to so modify Kim et al. in order to eliminate the separate mask 60 which would have to be carried with the camera when not in use and could be lost.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M Gray whose telephone number is 703-308-1698, **the phone number will change to 571-272-2119 after 1/29/2004**. The examiner can normally be reached on M-W & F 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 703-308-2847, **the phone number will change to 571-272-2112 after 1/29/2004**.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306, **please call before faxing after 1/29/2004**.

A handwritten signature in black ink, appearing to read 'David M Gray', with a large, stylized flourish extending from the end of the signature.

David M Gray
Primary Examiner
Art Unit 2851